

## SEAL OF QUALITY ACT Act 70 of 1961

AN ACT to promote the development and to encourage consumption of Michigan agricultural products by use of a seal denoting quality; to prescribe the powers and duties of the state department of agriculture; to establish procedures for standards; to provide for fees; to authorize the appointment of commodity committees; and to prescribe penalties for violations.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

*The People of the State of Michigan enact:*

### **289.631 Seal of quality act; short title.**

Sec. 1. This act shall be known and may be cited as the “seal of quality act”.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

### **289.632 Seal of quality act; definitions.**

Sec. 2. As used in this act:

(a) “Commission” means the commission of agriculture.

(b) “Department” means the state department of agriculture.

(c) “Director” means the state director of agriculture.

(d) “Person” means individuals, partnerships, trusts, associations, corporations, and any and all other business units, devices and arrangements, or receiver, trustee or assignee of such business units.

(e) “Michigan seal of quality” means any label, tag or other device bearing the official emblem promulgated under the provisions of this act containing the term “Michigan seal of quality” attached to, affixed or placed upon any crate, carton, package or other container of agricultural products grown, packed and processed within this state.

(f) “Products” mean agricultural products grown, packed and processed within this state.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

### **289.633 Emblems; designation of products; quality and grade standards.**

Sec. 3. The commission shall design emblems bearing the inscription “Michigan seal of quality”, to be used as a seal denoting quality for the purpose of identifying the products to which it may be applied; to designate the products upon which it may be used; and to promulgate the quality and grade standards for products to which it may be applied.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

### **289.634 Agricultural products; standards of quality, establishment.**

Sec. 4. Upon the request of any commodity group of producers of agricultural products stating that it is essential to the successful marketing of the products that standards of quality be established, the commission, after not less than 10 days' notice, shall call a public hearing at which any interested person shall have the right to be heard, and thereafter the commission shall determine whether the establishment of standards of quality for the products is necessary to the successful marketing thereof.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

### **289.635 Agricultural products; order establishing standard of quality, size and condition.**

Sec. 5. The commission, if it determines that it is necessary to establish standards of quality for any products, shall promulgate an order establishing standards of quality for the products, which standards shall relate to the quality, size and condition thereof.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

**Administrative rules:** R 285.531.1 et seq.; R 285.532.1 et seq.; R 285.539.1; R 285.542.1 et seq.; R 285.543.1 et seq.; R 285.544.1 et seq.; and R 285.546.1 et seq. of the Michigan Administrative Code.

### **289.636 Seal of quality; protection; inspection; application.**

Sec. 6. The commission shall:

(a) Establish a seal denoting quality which shall be registered, advertised and protected by the director.

(b) Promulgate rules for the inspection of products to which the seal is applied.

(c) Authorize the application of the seal to those products conforming to the standards of quality as established by the commission under the provisions of this act.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

**289.637 Seal of quality; interstate commerce.**

Sec. 7. The seal of quality shall not be used as a barrier to interstate commerce, nor is it a substitute for federal grades and standards, or for the federal grading and inspection service on products entering into interstate commerce.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

**289.638 Seal of quality; supervision of packaging.**

Sec. 8. Products to be sold to the consumer in packages to which the seal of quality is applied shall be graded by or under the supervision of competently trained inspectors approved by the department or by graders or supervisors of grading supplied under cooperative agreement between the department and the United States department of agriculture.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

**289.639 Seal of quality; elective use; conformance.**

Sec. 9. Use of the seal of quality shall be elective by any person offering products for sale or other disposition to any other person, but, upon election to use the seal, conformance with the rules and regulations promulgated by the commission shall be mandatory.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

**289.640 Seal of quality; agreements for grading, supervision of grading.**

Sec. 10. For the purpose of giving effect to the provisions of this act, the commission may enter into agreements with any person on such terms and conditions as the commission deems best for the grading, or for the supervision of grading, of products to which the seal of quality is to be applied.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

**289.641 Seal of quality; fees for labels, grading, supervision of grading.**

Sec. 11. The commission shall adopt and may amend from time to time schedules of fees to be charged for labels bearing the seal of quality, for grading and supervision of grading, or for such other services as may be rendered under this act. All fees shall be sufficient to make self-sustaining the grading services performed under this act. All fees shall be deposited in the state treasury and credited to the general fund. The fees assessed under the provisions of this act shall be payable by the person for whom the services are performed and the director shall prescribe the method by which and times when the fees shall be collected.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

**289.642 Cooperation with agencies of the United States, other states and organizations.**

Sec. 12. The director may cooperate with the United States department of agriculture, any other agency of the United States, with any governmental agency or instrumentality of any state, and with any association or organization or persons representative of any product, in market and food investigations, grading, packing, handling, storing and merchandising of products, and in the enforcement of laws, rules and regulations pertaining thereto and in any manner that is desirable for the purpose of this act.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

**289.643 Inspection of containers; certificates, evidence.**

Sec. 13. The director or any person authorized by him shall have free access to any place or conveyance wherein products bearing the "seal of quality" are being marketed, transported or held for commercial purposes; may open any container bearing the seal and examine the contents thereof; and upon tender of the market price may take samples therefrom. The director may employ inspectors to inspect products bearing the seal of quality. Certificates of inspection shall state the date and place of inspection, the grade, condition and approximate quality of the products inspected, and any other pertinent facts that the director requires. The certificate and all federal certificates relative to the condition of quality of the products shall be prima facie evidence in all courts of the state of the facts required to be stated therein.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

**289.644 Rules and regulations; seizure of nonconforming products.**

Sec. 14. The commission shall enforce this act and may promulgate such orders, rules and regulations in accordance with Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948, as are necessary to carry out the purposes of this act. When

the director, or any person appointed by him, determines that products bearing the seal fail to conform to the quality characteristics and standards promulgated by the commission, the director or his appointee may seize and dispose of the products as provided by section 7 of Act No. 211 of the Public Acts of 1893, as amended, being section 289.37 of the Compiled Laws of 1948.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

**Administrative rules:** R 285.531.1 et seq.; R 285.532.1 et seq.; R 285.539.1; R 285.542.1 et seq.; R 285.543.1 et seq.; R 285.544.1 et seq.; and R 285.546.1 et seq. of the Michigan Administrative Code.

#### **289.645 Violation of act; penalty.**

Sec. 15. Any person who holds for sale, offers for sale or sells any product, to which the seal of quality is applied, which does not conform with the quality characteristics and standards for that product is guilty of a misdemeanor and shall be punished by a fine of not less than \$25.00 and not more than \$100.00, or by imprisonment in the county jail for not more than 90 days, or both.

**History:** 1961, Act 70, Eff. Sept. 8, 1961.

#### **289.646 Commodity committees; establishment; purpose; composition; committee for specific commodity; central committee representative of commodity committees and governmental agencies; number, term, reappointment, compensation, and expenses of committee members.**

Sec. 16. The commission, after adopting rules to implement this act, shall establish commodity committees to disseminate information relative to the purposes of this act and to report to the commission in reference to the functioning thereof. Commodity committees shall consist of representatives of producers, first handlers, wholesalers, retailers, and consumers capable of being recognized as representative of the specific commodity interests involved by that industry. The commission may establish committees for any specific commodity when requested to do so by any representative segment of that commodity industry. The commission shall create a central committee representative of all commodity committees and of such other governmental agencies as may have interests in furthering the purposes of this act, upon the request of 3 existing commodity committees. The members of all committees shall be that number determined and approved by the commission. The members of committees shall hold office for a period of 1 year. The commission may reappoint any member of any committee. The per diem compensation of committee members and the schedule for reimbursement of expenses shall be established annually by the legislature.

**History:** 1961, Act 70, Eff. Sept. 8, 1961;—Am. 1975, Act 66, Imd. Eff. May 20, 1975.